

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ALACRITECH, INC.,

*Plaintiff,*

v.

CENTURYLINK, INC., *et al.*,

WISTRON CORPORATION, *et al.*.,

DELL INC.,

*Defendants,*

and

INTEL CORPORATION, *et al.*,

*Intervenors.*

Case No. 2:16-cv-00693-RWS-RSP  
(LEAD CASE)

Case No. 2:16-cv-00692-RWS-RSP

Case No. 2:16-cv-00695-RWS-RSP

JURY TRIAL DEMANDED

**UNOPPOSED MOTION TO EXTEND DEADLINE TO RESPOND TO  
BANKRUPTCY STAY DKT. 613**

Plaintiff Alacritech, Inc. (“Alacritech”), files this motion for a 28-day extension of time to respond to the stay ordered by the Court on June 6, 2023 (Dkt. 613), due to Defendant Cyxtera Communications, LLC’s (“Cyxtera”) Notice of Suggestion of Bankruptcy (Dkt. 612). Alacritech, Cyxtera, and Defendant CenturyLink Communications, LLC (“CenturyLink”) have agreed on the terms of a confidential settlement agreement, subject to approval by the U.S. Bankruptcy Court for the District of New Jersey, in which Cyxtera’s Chapter 11 proceedings are pending. Alacritech therefore requests additional time to respond to this Court’s Order to file either (1) a motion to dismiss its claims against Cyxtera or (2) a motion in the Bankruptcy Court to lift the stay against Cyxtera for the limited purpose of pursuing its claims to judgment. *See* Dkts. 613, 686. A 28-day extension of time (to August 24, 2023) will not affect any deadline for any other party and will, in

fact, align with the deadlines requested in Alacritech's and CenturyLink's separately filed joint motion to extend the deadlines for their respective expert reports and the close of expert discovery. Under this arrangement, Alacritech would inform the Court of its response to Cyxtera's bankruptcy stay on or before the date on which Alacritech's supplemental expert reports regarding CenturyLink (and formerly Cyxtera) would be due. CenturyLink has been informed of this motion and does not oppose.

Dated: July 27, 2023

/s/ Joseph M. Paunovich

Joseph M. Paunovich  
*joepaunovich@quinnmanuel.com*  
California State Bar No. 228222  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
865 South Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
Telephone: (213) 443-3000  
Facsimile: (213) 443-3100

Brian E. Mack  
*brianmack@quinnmanuel.com*  
California State Bar No. 275086  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
50 California Street, 22<sup>nd</sup> Floor  
San Francisco, CA 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

T. John Ward, Jr.  
Texas State Bar No. 00794818  
*jw@wsfirm.com*  
Claire Abernathy Henry  
Texas State Bar No. 24053063  
*claire@wsfirm.com*  
WARD & SMITH LAW FIRM  
1507 Bill Owens Parkway  
Longview, Texas 75604  
Telephone: (903) 757-6400  
Facsimile: (903) 757-2323

*Attorneys for Plaintiff Alacritech, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel of record who have consented to electronic service on July 27, 2023.

/s/ Joseph M. Paunovich  
Joseph M. Paunovich

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies pursuant to Local Rule CV-7(h) that this motion is unopposed.

/s/ Joseph M. Paunovich  
Joseph M. Paunovich